

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ANDRÉ D. BELLER, §
§
Petitioner, §
vs. § CIVIL ACTION H-06-3965
§
NATHANIEL QUARTEMAN, §
Director TDCJ-CID, §
§
Respondent. §

ORDER

Before the court is petitioner's motion for discovery. (Docket Entry No. 10).

The petitioner seeks to have a sample of crack cocaine tested for the presence of other materials such as dirt and grass.

Rule 6(a) of the Federal Habeas Rules provides that “[a] party shall be entitled to invoke the processes of discovery available under the Federal Rules of Civil Procedure if, and to the extent that, the judge in the exercise of his discretion and for good cause shown grants leave to do so.” Rules Governing § 2254 Cases, Rule 6(a), 28 U.S.C.A. foll. § 2254.

The petitioner has not shown that good cause exists for discovery; nor has petitioner demonstrated that discovery is the most appropriate way to obtain information to test the validity of his claims. The court will, sua sponte, order the

requested chemical analysis at a later time if it appears necessary.

The petitioner's motion for discovery, (Docket Entry No. 10), is DENIED at this time.

SIGNED on January 26, 2007, at Houston, Texas.



Lee H. Rosenthal
United States District Judge